Applicant(s): Ould-Brahim

Application No.: 10/623,400

Filed: 07/17/2003

Title: Hierarchical Optical VPNs in a Carrier's Carrier

VPN Environment

Attorney Docket No.: 120.288 38898-0047

Examiner: Unknown

Group Art Unit:

Unknown

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO CORRECT FILING DATE PURSUANT TO §1.10(d)

Applicant respectfully petitions the Commissioner to correct the filing date of the above application to reflect the change the filing date of the above application to July 17, 2003, to reflect the date that the application was deposited with the "Express Mail Post Office to Addressee" service of the USPS.

The facts surrounding the filing of the patent application by Express mail are as follows:

- 1). I, Lindsay McGuinness have a relationship with the Canadian Patent firm of Ridout and Maybee LLP, and frequently assist the firm in the filing of applications in the United States Patent Office.
- 2). On July 16 at 4:09 pm, I received from Ridout and Maybee specification and drawings to be filed for the above patent application by a requested filign date of July 17, 2003. The cover letter illustrating receipt of these documents is attached hereto as Exhibit A.

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- 3). On July 16, at 4:49 pm, I forwarded the documents to my office manager, Carol Ann Mahoney. The cover letter illustrating the transmission of these documents is shown as attached Exhibit B.
- 4). On July 17, 2003, when I came into work in the morning, my office manager, Carol Ann Mahoney, had prepared all the necessary documents for filing the application and had them ready for my signature, including a return receipt postcard with the express mail number of the application clearly marked on the postcard.
- 5). Following my signature, per standard office practice, Ms. Mahoney filled out the 'Date In' block of the Express Mail label to indicated July 17, 2003 (the date of filing), made full copies of the patent specification, drawings, paperwork, Express Mail Label, and postcard, placed the application in the Express Mail envelope, and placed the Express Mail envelope in the Express Mail deposit box which is located right outside the entrance to our office. The copy of the Express Mail label, as it was marked before it was placed in the Express Mail drop off box, is shown attached hereto as Exhibit C.
- 6). The Express Mail Drop off box ID is 0172000005, and markings on the exterior of the box indicate that the pick up time for the box is 4 p.m.
- 7). After dropping the paperwork in the Express Mail Drop off box, Ms. Mahoney prepared a letter to Ridout and Maybee, including all paperwork that was filed for the application and indicating that it had been successfully filed on July 17, 2003. I signed the letter on that date. A copy of the letter is shown attached hereto as Exhibit D.
- 8). Upon receipt of our paperwork, Ridout & Maybee noticed that we had erroneously filed a request for non-publication. When we pulled the file to prepare the request to rescind the request for non-publication, we noticed that the application had incorrectly been assigned a filing date of July 18, 2003, rather than July 17, 2003. Upon closer inspection, we noticed that 'Date In' filed of the Express Mail Label, which was mailed to us as a Customer receipt from the USPS, had been changed at the USPS. It appears that someone within the Post Office has manually changed the 'Date In' field to

be July 18, 2003, rather than July 17, 2003. A copy of the manually amended customer receipt is shown as attached Exhibit E.

9). Having discovered the error in filing date assignment, we have promptly prepared

this petition to correct such error.

10). Applicant hereby petitions the Commissioner to accord the patent application the

filing date of July 17, 2003, because that is the date that it was placed in the Express Mail

drop box.

11). An affidavit from Carol Ann Mahoney regarding the above facts is attached

hereto as Exhibit F.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

<u> १ / १ / २०१५</u> Date Zindsay McGuinness, Reg. No. 38,549

Attorney/Agent for Applicant(s)

Steubing McGuinness & Manaras LLP

30 Nagog Park Drive Acton, MA 01720

(978) 264-6664

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EXHIBIT A

Lindsay McGuinness

From:
Sent:
To:
Cc:
Subj ck

Lynne Cooper [LCooper@ridoutmaybee.com]

Wednesday, July 16, 2003 4:09 PM

lmcguinness@smmalaw.com

Thomas Stein

FW: Scanned document <2 pages> -- 7/16/03 5:56:28 PM

Importance:

High









SFX2323.p38898-00438898-004SFX231B.pdf (220 KB)cs.doc (19 es.doc (39 df (54 KB)

URGENT: JULY 17, 2003 DEADLINE

Dear Ms. McGuinness,

Please find attached a copy of Tom Stein's letter dated July 17, 2003, a copy of the signed forms as set out in his letter together with a copy of the application and figures to be filed at the USPTO by the deadline of July 17, 2003.

Thank you for your assistance.

Regards,

RECEIVED

Ms. Lynne Cooper
Patent and Trade-Mark Clerk
Ridout & Maybee LLP
lcooper@ridoutmaybee.com
Phone 613.236.1995
Fax 613.236.2485
http://www.ridoutmaybee.com

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This communication may be privileged and may contain confidential information intended only for the addressee(s). Any unauthorized copying or disclosure is not permitted. If you have received this communication in error, please notify us immediately and delete this communication from your mail box.

----Original Message----

From: sharescan

Sent: Wednesday, July 16, 2003 4:59 PM

To: Lynne Cooper

Subject: Scanned document <2 pages> -- 7/16/03 5:56:28 PM

<<SFX231B.pdf>>

EXHIBIT B

Lindsay McGuinness

From:

Lindsay McGuinness [Imcguinness@smmalaw.com]

S nt:

Wednesday, July 16, 2003 4:47 PM

To:

'Carol Ann Mahoney'

Subject:

FW: Scanned document <2 pages> -- 7/16/03 5:56:28 PM

Importance:

High









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In case you get in before I do, here are the documents that we need to file for a US case for Tom Stein, tomorrow

Thanks

L

----Original Message----

From: Lynne Cooper [mailto:LCooper@ridoutmaybee.com]

Sent: Wednesday, July 16, 2003 4:09 PM

To: lmcguinness@smmalaw.com

Cc: Thomas Stein

Subject: FW: Scanned document <2 pages> -- 7/16/03 5:56:28 PM

Importance: High

URGENT: JULY 17, 2003 DEADLINE

Dear Ms. McGuinness,

Please find attached a copy of Tom Stein's letter dated July 17, 2003, a copy of the signed forms as set out in his letter together with a copy of the application and figures to be filed at the USPTO by the deadline of July 17, 2003.

Thank you for your assistance.

Regards,

Ms. Lynne Cooper
Patent and Trade-Mark Clerk
Ridout & Maybee LLP
lcooper@ridoutmaybee.com
Phone 613.236.1995
Fax 613.236.2485
http://www.ridoutmaybee.com

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----Original Message----

From: sharescan

Sent: Wednesday, July 16, 2003 4:59 PM

To: Lynne Cooper

Subject: Scanned document <2 pages> -- 7/16/03 5:56:28 PM



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Mailing by Express Mail (37 CFR 1.1 Express Mail Label No. 80.52472 Patent Application [2] Non-provisional Provision Incl. 24 pages, (20 pgs) Specific (20 pgs) Abstract, (5 pgs) Claims Design Patent Application Declaration(s) Drawings 19 Sheet(s) (FIGS. Formal X Informal Utility Patent Application Transmittal Fee calculation sheet (x2) CPA Transmittal Verified Statement claiming small en Assignment and Cover Sheet	al cation, (18 # claims)	Multip Inf. Di R. R. Inf. Di Priority Copy of Ament Petitio Issue Letter Notice Brief (Check Transs Cert. of	for \$	Claim Fee St PTO Form # Missing Pa- ee hee (x2) sperson Check #
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DATE MAILED	7-17-	03	· · · · · · · · · · · · · · · · · · ·	

Steubing McGuinness & Manaras LLP

John T. Manaras * Undsay G. McGuinness Mary M. Steubing

* Also admitted in NY

Attorneys at Law

30 Nagog Park Drive Acton, MA 01720 USA

(978)-264-6664 (978)-264-9119 Facsimile

July 17, 2003

Thomas Stein Ridout & Maybee LLP 150 Metcalfe Street Ottawa, Canada K2P 1P1 RECEIVED

AUG 1 3 2003

OFFICE OF PETITIONS

Re

New Patent Application Your Ref: 38898-0047 Our File: 120-288

Dear Tom:

Attached are the filing papers for the above-identified patent application filed today.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

Steubing McGuinness & Manaras LLP

Lindsuy & me y

Lindsay G. McGuinness

Enclosure

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Exhibit F

AFFADAVIT OF CAROL ANN MAHONEY

I, Carol Ann Mahoney, attest that the following facts are true:

- 1. On the afternoon of July 16, 2003, I received an e-mail from Lindsay McGuinness requesting that I prepare paperwork for the filing of a patent application received from the firm Ridout & Maybee.
- 2. I arrived at work at approximately 8 a.m. on July 17, 2003. Shortly after my arrival, I prepared documents for filing, including a return receipt postcard, utility patent application transmittal form, fee transmittal form and a non-publication request.
- 3. When Lindsay McGuinness arrived at the office, she signed the paperwork that I had prepared.
- 4. Per standard office practice, I then filled in the Express Mail Label 'Date In' box, and made a copy of all the paperwork that was to be filed with the case, including a copy of the return receipt postcard and the return receipt label, which are shown in attached Exhibit C.
- 5. After making copies of all papers filed, I placed the application paperwork in an Express Mail Envelope, affixed the Express Mail Label to the envelope, added postage, and then walked over to and deposited the envelope in the Express Mail drop box which is approximately ten yards from my desk.
- 6. Although I do not know the exact time that I deposited the application in the Express Mail box, I am comfortable stating that the time was somewhere between 10 am and 2 pm, and am certain that it was well before the 4pm pick up time.
- 7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8-7-03

Date

Carol Ann Mahoney

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Matroney

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ANG 1 1 2003 Please type a plus sign (+) inside this box > +

DAC

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Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL	Application Number	10/623400	
FORM	Filing Date	07/17/2003 Ould-Brahim	
(to be used for all correspondence after initial filing)	First Named Inventor		
	Group Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	Attorney Docket Number	120-288 38898-0047	

			ENCLOSU	RES (check all that apply)	
X	Petition to Co Pursuant to §	prrect Filing Date §1.10(d)			
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X	Exhbit B - let	ter	}		
X	Exhibit C - Exhibi	kpress Mail label g			
X	Exhibit D - Le	etter			Other Enclosure(s) (please identify below):
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				PLICANT, ATTORNEY, OF	RAGENT
Firm or Individ	dual name	Lindsay G. McGuinr Steubing McGuinne			
Signature Landsup & m				Ý	
Date		August 7, 2003			

	CERTIFICATE OF MAILING or FACSIMILE
I hereby certify that this co on this date: August 7, 200	rrespondence is being transmitted or mailed to the United States Patent and Trademark Office
Type or printed name	Carol Ann Mahoney
Signature	Carolium Wannon Date August 7, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time your are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Your item was delivered at 9:06 am on July 21, 2003 in ARLINGTON, VA 22202 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, July 19, 2003, 10:20 am, DULLES, VA 20102
- ARRIVAL AT UNIT, July 19, 2003, 8:08 am, DULLES, VA 20102
- ACCEPTANCE, July 18, 2003, 7:49 am, BOSTON, MA 02206

Notification Options

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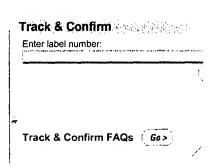
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Under the Paperwork Reduction Act of 1995, no persons are required to	respond to a collection of information unless it displays a valid OMB control number					
UTILITY	Attorney Docket No. 38898-0047 120-288 a.					
PATENT APPLICATION	First Inventor Ould-Brahim, Hamid					
TRANSMITTAL	Title Hierarchical Optical VPNS (HOVPN) In Carrier's Carrier VPN Environment					
(Only for new nonprovisional applications under 37 CFR 1.53(b))	Express Mail Label No. EV329723873US					
APPLICATION ELEMENTS	Commissioner for Patents					
See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: P.O. Box 1450 Alexandria, VA 22313-1450					
Fee Transmittal Form (e.g., PTO/SB/17)	7. CD-ROM or CD-R in duplicate, large table or					
(Submit an original and a duplicate for fee processing) 2. Applicant claims small entity status.	Computer Program (Appendix) Nucleotide and/or Amino Acid Sequence Submission					
See 37 CFR 1.27.	(if applicable, all necessary)					
3. X Application for Patent [Total Pages 26]	a. Computer Readable Form (CRF)					
20 pp. Specification	b. Specification Sequence Listing on:					
5 pp - Claim(s) 1-18 1 pg Abstract of the Disclosure	i. CD-ROM or CD-R (2 copies); or					
	c. Statements verifying identity of above copies					
¥	ACCOMPANYING APPLICATION PARTS					
	9. X Assignment Papers					
	10. 37 CFR 3.73(b) Statement (when there is an assignee) X Attorney					
4. X Drawing(s) (35 U.S.C. 113) [Total Sheets 19]	11. English Translation Document (if applicable)					
5. Oath or Declaration [Total Sheets 2]	Information Disclosure Copies of IDS					
	Statement (IDS)/P10-1449 Citations					
,,	Return Receipt Postcard (MPEP 503)					
b. Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 18 completed)	(Should be specifically itemized)					
i. DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s)	15. Certified Copy of Priority Document(s) (if foreign priority is claimed)					
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	16. X Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35					
r—	or its equivalent.					
6. Application Data Sheet. See 37 CFR 1.76	17. X Other: Power of Attorney; Appointment of Associate Agent.					
18 If a CONTINUING APPLICATION, check appropriate box, and supp						
or in an Application Data Sheet under 37 CFR 1.76:	y die requiere montailer balen and ma preminary enforcement,					
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For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the						
is considered a part of the disclosure of the accompanying continuation or division only be relied upon when a portion has been inadvertently omitted from the su						
19. CORRESPON	DENCE ADDRESS					
Customer Number or Bar Code Label (Insed Customer No. or Atlach	or Correspondence address below					
Name Ridout & Maybee, LLP						
150 Metcalfe Street, 19 th floor						
Address						
City Ottawa	State Ontario Zip Code K2P 1P1					
Country Canada Telep	ohone 613-236-1995 Fax					
Name (Print/type) Lindsay McGuinness	Registration No. (Attorney/Agent) 38,549					
Signature Pandsay me St.	Date July 17, 2003					

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/17 (10-02)
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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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0	Declined	credit card			
0	Non auth	orization for charge	to deposit ac	count	
0	No fee su	ıbmitted per require	ment A		
			4	`*.	
Th	e correct i	fee code:	· ·	amount	\$
Th	e suspend	ed fee code: 197		amount	-\$
Fe	e Due			amount	=\$
f y	ou have a	ny questions, please	contact Cynt	hia Streater at	703-306-5430

